



KENTUCKY STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Steven L. Beshear
Governor

160 Democrat Drive
Frankfort, Kentucky 40601
Phone: (502) 573-2680
1-800-573-2680
Fax: (502) 573-6687

B. David Cox
Executive Director

TO: Kentucky Governmental Agencies & Organizations

**FROM: B. David Cox
Executive Director**

DATE: July 29, 2008

RE: Unlicensed Practice of Engineering

We have been made aware that Landscape Architects are performing engineering design services in certain geographic areas of Kentucky. In order to bring such practices to an end, we ask you to be cognizant of our requirements in your Request for Proposals, contracts, regulations, and review of projects.

KRS 323A.010(3) allows the Landscape Architect to design items such as planting, reforestation, and the preservation of the natural landscape ecology and environment. They can also plan and propose the arrangement of land and water elements and the location and alignment of roadways, buildings, parking lots, walkways, steps, ramps, etc. However, they cannot design such features.

The statute uses terms such as *planning* of outdoor space, *relationships*, *arranging*, *alignment*, and *location*. Considering this in relation to the practice of engineering under KRS 322.010(4), the Landscape Architect can *plan* and *propose* locations of physical features, but the Professional Engineer (PE) should actually design such features. These features include site grading and drainage plans, utility plans, retaining walls, cuts, fills, storm water, sewers, public streets or those intended for public dedication, and entrances onto public streets. In simple terms, the Landscape Architect can plan the location and arrangement of such items, but the PE would actually design. Since 1938, KRS 322 has required that such design work be performed by a PE and no one else. Any Landscape Architect or other individual who performs such design work is practicing engineering without a license and will be prosecuted in Franklin Circuit Court.

Your assistance in protecting the public through ensuring that only licensed professional engineers practice engineering in the Commonwealth of Kentucky would be appreciated. If you have questions, or need clarification, please contact me.